



Report to Policy Committee

Author/Lead Officer of Report: Lisa Firth

Tel: 07867 158407

Report of: Director of Parks, Leisure and Libraries

Report to: Charity Trustee Sub-Committee

Date of Decision: 22nd January 2024

Subject: Tramlines Festival

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	X	No		
If YES, what EIA reference number has it been given? 2101 <small>The recommendations in this report will be included in the EIA for Parks and Countryside, Sales, Fees and Charges 2024/25</small>					
Has appropriate consultation taken place?	Yes		No	X	
Has a Climate Impact Assessment (CIA) been undertaken?	Yes		No	X	
Does the report contain confidential or exempt information?	Yes	X	No		
<p>If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-</p> <p>Appendix 2 to this report is not for publication because it contains exempt information under Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended): information relating to the financial or business affairs of any particular person (including the authority holding that information).</p>					
<p>Purpose of Report:</p> <p>The Charity Trustee Sub-Committee is asked to consider the contents of this and previous reports and make a decision as to approve the use of Hillsborough Park for the running of the Tramlines festival, noting the key provisions of a licence (at Appendix 1), and the fee (at Closed Appendix 2), as being on balance, in the best interests of the Hillsborough Park charitable trust.</p>					
<p>Recommendations:</p> <p>The Charity Trustee Sub-Committee is asked to:</p> <ol style="list-style-type: none"> 1. Agree to the use of Hillsborough Park for the Tramlines Festival 2. Note the key Licence Agreement terms set out at Appendix 1, that the Director of Parks, Leisure, and Libraries will conclude with the operator, in consultation with the General Counsel. 3. Approve the fee schedule at Closed Appendix 2, together with the various benefits of running Tramlines, as representing a positive and beneficial use of the Hillsborough Park for benefit to the charitable trust. 					

Background Papers: Briefing to Communities, Parks and Leisure Policy Committee – Tramlines Festival, 25th September 2023; pages 79-92.
[\(Public Pack\)Agenda Document for Communities, Parks and Leisure Policy Committee, 25/09/2023 14:00 \(sheffield.gov.uk\)](#)

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: Adrian Hart
		Legal: Robert Parkin/Rita Collins
		Equalities & Consultation: Ed Sexton
		Climate: Kathryn Warrington
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>		
2	SLB member who approved submission:	Ajman Ali
3	Committee Chair consulted:	Cllr Ian Auckland
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: Lisa Firth	Job Title: Director of Parks, Leisure and Libraries
	Date: 22 nd January 2024	

1. BACKGROUND

- 1.1 Hillsborough Park is a charity, and the sole Trustee is Sheffield City Council.
- 1.2 The Charity Trustee Sub-Committee is a standing sub-committee of the Strategy and Resources Policy Committee. It is established to take all decisions of the Council as charitable trustee, including but not limited to:
- Disposals of and other dealings with charitable land
 - Matters about which the Charity Commission must be contacted.
 - Matters of which charitable trustees should be aware in accordance with Charity Commission Guidance
 - Use of charitable assets by the Council for purposes that do not directly meet the charitable aims.
 - Any other matter that has a significant impact on the use of a charitable

asset for the charitable purposes for reasons of duration, area of the asset impacted, or other restriction.

- Matters relating to land that is not itself charitable and other incidental matters which depend on or are directly related to a decision that must be made by the Charitable Trustee Sub-Committee.

1.3 Maintenance of Hillsborough Park is the responsibility of the Councils' Parks and Countryside service. Management and administrative decisions which are not decisions of the Council as Trustee, may be made, in accordance with the Council constitution delegations, by the Executive Director of Neighbourhoods the Director of Parks, Leisure and Libraries, or the Head of Parks and Countryside.

1.4.1 The charitable objects of Hillsborough Park charity are:

- the provision and maintenance of a public park and recreation ground in Sheffield for the use of members of the public resorting thereto with the object of improving their conditions of life.
- for use by the people of Sheffield for the purpose of being used as public walks and pleasure grounds.

1.5 Since 2018, Tramlines Events Limited (**TEL** or **Tramlines**) have held a premises licence to hold the event known as Tramlines Festival (the **Event**) in Hillsborough Park (the **land**). The premises licence grants permission to carry out licensable activity on the land, conferred under the Licensing Act of 2003. The premises licence is ongoing until it is revoked by the Council following a formal legal process. There is a standard licence application fee of £70 for large scale events and a multiplier fee is added dependent on the scale of the event. The multiplier for the Event is £8,000 and so TEL pay a total of £8,070 for its premises licence each year. This fee must be retained by the Council's licensing service.

1.6 A premises licence does not give an automatic right to occupy and use the land. The right to occupy and use the land is granted further to a different type of licence (licence to occupy). Under this licence to occupy SCC (as licensor) will grant TEL (the licensee) with the right to occupy Hillsborough Park for a period and for a specific purpose (i.e. for staging the Event). In return TEL will pay SCC a licence fee. For ease, this report refers to the licence to occupy as the 'the licence agreement'.

1.7 This licence agreement covers standard terms and conditions such as, licensee obligations (including ground protection, health and safety and security, reinstatement of the site), liability, termination, force majeure and fees. The licence agreement also sets out various rights for the Council in the event that TEL breach a term of the licence.

1.8 The current licence agreement has been in place since 2018 and following a review that started in 2022, coupled with the issues experienced following adverse weather in 2023, a comprehensive review of this licence agreement has taken place.

- 1.9 This included ensuring there is clear agreement on how the park will be protected, and should the unfortunate situation arise, how decisions around cancelling the event will be taken and by whom. Further details on these commitments are set out in Appendix 1.
- 1.10 The revised licence agreement is being negotiated and finalised by SCC and TEL and includes a fee schedule (as set out in Closed Appendix 2) for the next 5 events in Hillsborough Park (from 2024).
- 1.11 The last published fee paid by TEL for hire of Hillsborough Park was £33,500 in 2021. The fee is negotiated on a commercial basis and in consideration of other similar events. In recent months, we have benchmarked our music events charging structure at a local and national (LGA survey) and in confidential discussions with other event promoters. From our own SCC experience of hosting major events, and their associated staging costs, we now have a stronger and more robust understanding of what the competitive market will stand to ensure the income to SCC for hosting these events is giving us best market value. We are confident we have set our fees for Tramlines (and other events) at the right level to gain best value for the park charity and for Sheffield. The proposed fee structure is set out in the Closed Appendix 2.
- 1.12 The cost of running the park is funded by The Hillsborough Park Charity. Annual revenue expenditure is generally greater than income and any variance is borne by the Council by way of a grant to the charity. This will continue to be the case, despite the increase in the fee received from TEL.
- 1.13 TEL have requested that SCC allocates a portion of the increased fee as a restricted donation to the Hillsborough Park Charity. This donation will be used to improve, replace, or install equipment or facilities to improve the park for the benefit of park users that would not have otherwise been possible through general management and maintenance revenue grants.
- 1.14 Tramlines will offer their customers an option to contribute an additional £1, £3 or £5 (or any amount up to £100) over and above the cost of the customer's festival ticket, to be donated to the Hillsborough Park Charity and used solely for improvements to Hillsborough Park (not regular maintenance). This donation is in addition to the agreed licence fee.
- 1.15 Tramlines will donate £500 per annum to the Friends of Hillsborough Park (or other volunteer group working in Hillsborough Park) to help volunteers to continue their valuable work in the park.
- 1.16 The Council cannot disclose (in the public report) the current fee paid by Tramlines to the Hillsborough Park Charity because this is deemed commercially sensitive information, as confirmed by the Information Commissioners Office on 31st January 2023. Tramlines regard their fee as commercially sensitive because the summer festival market is very competitive, and the pricing of their tickets incorporates their costs and expertise. The fee is set out in Closed Appendix 2.

2. HOW DOES THIS DECISION CONTRIBUTE?

- 2.1 Events are important for building Sheffield's brand and reputation. They enhance the city's image, show the world what Sheffield does well and bring in audiences that might not otherwise experience Sheffield. Events are animators of destination attractiveness but more fundamentally they are key marketing propositions in the promotion of places e.g., for our city break campaigns. They provide much needed positive media profile, as seen with the recent press coverage and community enthusiasm for the MOBO awards to be held in Sheffield in 2024.
- 2.2 Tramlines Festival is one of the UK's longest running, city-based music festivals and a highlight in Sheffield's year-round calendar of events and festivals and has been held successfully in Hillsborough Park 5 times since 2018 (except for 2020 during the coronavirus pandemic). In 2021, it was part of the Government's Events Research Programme, allowing a full capacity audience to attend the event in Hillsborough Park and contribute to research which helped other events to go ahead safely across the UK.
- 2.3 The reason for holding Tramlines in Hillsborough Park was fully explained in the report to the Communities, Parks and Leisure Policy committee in September 2023. Hillsborough Park is the only city park with the capacity to host an event of this size and nature. This is for two reasons; a) the main field can host an audience of around 35,000 and b) transport links; the park's proximity to both the Supertram network and several bus routes and spectators can walk into the city centre (3 miles) at the end of each show day.
- In addition, Hillsborough Park's proximity to wrap around facilities such as Hillsborough Arena (which is now used to support a festival stage) and Sheffield Wednesday Football Club; which plays a key part in the viability of Tramlines and access to emergency facilities.
- 2.4 The Tramlines Local Resident Ticket Scheme was open to 3900 households in 2022, up from 1500 in 2021. In 2023, 1614 free or discounted tickets were distributed, an increase of 16% from 2022, at a cost of £171,440 to the festival. Since it's move to Hillsborough Tramlines has donated over £560,000 worth of tickets to the Hillsborough residents.
- 2.5 Of the customers who attended the 2023 event, over the 3 days, 16.5% had an address registered in the S6 area; this is in addition to those who received tickets through the resident's scheme, meaning over 8,000 people attended from the Hillsborough area.
- 2.6 Since 2018 Tramlines has made a conscious effort to ensure the festival adds benefit to the wider Sheffield community, including:
- Fundraised over £210,000 for local Sheffield charities.
 - Donated over 500 free tickets to key workers, charities and carers.
 - Hosted 68 work placements for local university students.

- Offered 226 paid local emerging artists slots.
- 2.7 The introduction of the Tramlines Trust in 2022 has allowed smaller, grass roots organisations to receive funding from the festival. Since 2022, the trust has awarded grants of over £61,800 to a total of 69 Sheffield and South Yorkshire organisations.

How does the event contribute to the Hillsborough Park trust?

- 2.8 It is acknowledged that the running of the Tramlines event will involve closure of parts of the park for a short period of time. However, there are a range of significant benefits to the Hillsborough Park trust of permitting the event. These include the licence fee, the donations, and optional uplifted donations, which will fund work to carry out improvements to the park, and its facilities. More generally, the publicity of the Tramlines event and opportunity of those attending to visit the park will introduce many new people to the park, and promote its enjoyment for recreation, walks, and enjoyment beyond the event itself.
- 2.9 Years of austerity have resulted in cuts to SCC's general revenue funding, and this has in turn resulted in budget reductions for services such as Parks and Countryside. Certainty of income for the charity is now more important than ever and fees from events held in parks, such as Tramlines, provide additional security for the park charity. This will enable the council to continue to provide a high-quality City park and maintain Green Flag accreditation.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 There has not been any consultation specifically regarding this report and the Tramlines income.
- 3.2 Each year, Tramlines undertake consultation including the views of local Hillsborough residents (using face to face drop-in sessions and Tramlines resident survey), the Friends of (volunteers) Hillsborough Park, people from across Sheffield, festival goers and strategic partners.

4. RISK ANALYSIS AND IMPLICATIONS OF THE REPORT

4.1 Equality Implications

- 4.1.1 There are no equality implications from this briefing report. The price per ticket is not impacted by the amount of fee that Tramlines pay for their licence. They have a 4-year budget cycle that takes account of this. By way of example, the fee for 2024 is not yet agreed, but the ticket price is set and tickets on sale.

4.2 Financial and Commercial Implications

- 4.2.1 The cost of running the park is funded by The Hillsborough Park Charity. Annual revenue expenditure is generally greater than income and any deficit is borne by the Council by way of a grant to the charity. In the 2021/22 published

accounts for the Hillsborough Park Charity, the revenue grant to the Hillsborough Park Charity £174,933.

4.2.2 The increased fee will generate additional income for the Hillsborough Park Charity Fund. Providing there is little change in the level of expenditure then the grant contribution from Sheffield City Council for the maintenance will be reduced, by the level of additional income achieved (subject to Trustees agreeing to a restricted sum for improvements noted in paragraphs 1.13 and 1.14).

4.3 Legal Implications

4.3.1 The land that is to be used for the Tramlines Festival is held on charitable trusts by the Council. As such the Trustees have a general obligation to achieve the best value that can be reasonably obtained under the licence agreement. The transaction proposed is by way of a licence and as such does not constitute a property transaction nor does it engage the requirements relevant to disposals of land under sections 117 to 121 of the Charities Act 2011. It is noted that the Tramlines Festival event fits within the objects of the charitable trust that affects the land to be used and occupied.

4.3.2 In January 2023, following a Freedom of Information request, the Information Commissioner's Office agreed that disclosure of Tramline's fee information was commercially sensitive. This was decided in order to protect the Council's and Tramlines' commercial interests.

4.3.3 The proposed licence agreement contains adequate provisions to mitigate against any potential loss or reputational risk to the Council, including but not limited to: licensee obligations to protect the site and to use it only in accordance with the conditions of use imposed by the Council, to indemnify the Council against certain risks, to hold adequate insurance and to act on the advice of the Safety Advisory Groups and Emergency Services where applicable and reasonable to do so.

4.3.4 It is worth noting that the licence agreement is for a rolling period with the ability for the Council or TEL to be able to terminate on notice.

4.4 Climate

4.4.1 Tramlines sustainability achievements in 2023 include:

- Fuelled their generators with Renewable Diesel (HVO), a fossil-free alternative to Mineral Diesel which drives Greenhouse Gas emissions down by 90%.
- Used low consumption/hybrid generators where back of house power is required.
- Diverted all waste away from landfill towards recycling or energy production.
- Actively seek out local suppliers and staff to reduce the impact of personnel and infrastructure transport.
- Offered a range of lower-impact Vegan and Vegetarian food options both

front and back of house.

- Strongly discourage driving to the festival in pre-event communications. (responses from the post-show survey show that 55% of customers walked or used public transport when travelling to the festival).

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 A 10-year agreement was considered. However, it was felt this was too long a period to set out fees for the exclusive use of Hillsborough Park and was deemed not to be in the best interests of the charity.
- 5.2 A fee structure that included inflationary increases was considered. However, as ticket prices do not increase by inflation each year, this would cause Tramlines issues in terms of their financial planning, a set fee structure was therefore agreed.
- 5.3 There was an option to do nothing and not enter into a revised agreement with TEL. However, this would not provide the Council or Hillsborough Park Charity with the protections derived from the revised licence agreement, nor the financial certainties of the fee structure.

6. REASONS FOR RECOMMENDATIONS

- 6.1 The licence agreement provides protection for Hillsborough Park Charity and that the best interests of the park are considered.
- 6.2 The fee schedule provides best value and income certainty for the Hillsborough Park charity.
- 6.3 Sheffield will continue to benefit from the social, cultural and economic benefits derived from hosting Tramlines.

Appendix 1

Tramlines Licence Agreement

Whilst the revised licence agreement is still being finalised and agreed between SCC and Tramlines, there are several key questions that are of interest to Hillsborough residents, the Friends of Hillsborough Park (Walled Garden), Hillsborough Park users and anyone who has an interest in Tramlines and Hillsborough Park.

In September 2023, a report to Community Parks and Leisure Policy Committee set out the council's commitment to learn lessons from the 2023 Tramlines festival and the significant impact that the event and severe weather had on the park and its users.

Thankfully, the grass has now grown back, improvements have been made to the pathways that were particularly impacted and plans are underway to further improve drainage in the park. All work to restore the park has been funded by Tramlines, as have the improvements to pathways. The drainage work will be funded by Tramlines and SCC.

The revised licence agreement is proposed to cover:

Licensee obligations: including but not limited to producing an event plan to cover health and safety, security, site protection (including an obligation to repair).

Termination: The Council and TEL have a right to terminate the licence agreement at any time on notice. If either party terminates between an Event and the end of the calendar year (31/12) then TEL are entitled to hold 2 further Tramlines Festivals. The licence agreement can also be terminated immediately where there has been a 'material' breach. As to what constitutes 'material' is currently being negotiated between the parties.

If either party terminates between the start of the calendar year (01/01) and the next Tramlines Festival in the same calendar year, then TEL are entitled to hold the in-year Festival and a further 2 Festivals.

Cancellation or Postponement of an Event: TEL have the sole discretion to cancel an Event for specific reasons (i.e. the Event is no longer commercially or operationally viable or on the advice of the Safety Advisory Group). In doing so, TEL will be liable to pay a sliding scale of fees depending on the amount of notice provided on cancellation/postponement. (Note this cancellation or postponement does not relate to cancelling an event that is already in progress).

Liability: TEL are liable for any direct losses suffered by the Council arising as a result of any negligence or wilful default by TEL or any breach of the licence by TEL. This liability is capped at TEL's insurance cover or the licence fee for the year in which the liability arises (whichever is greater). SCC's liability under the licence agreement is

also capped at an amount to be agreed between the parties (currently being negotiated).

Q: What process is in place to ensure that Hillsborough Park is adequately protected from the impacts of Tramlines.

As part of their event planning guidance, Tramlines will submit an Event Plan which will include a ground protection plan. This document will contain an overview of their plan in the 2 months prior to the event, including the provision for high footfall areas and what resource will be in place. This must be approved by the council.

1. Meeting 2 months prior to review submission of the ground protection plan outlining current provision on hold / standby for the event (including utilising long term weather forecasts).
2. Meeting 1 Month prior to discuss actions from previous meeting and next steps.
3. Meeting 2 weeks prior to event to discuss if the full ground protection plan is needed.
4. Meeting 1 week prior to event to discuss if the full ground protection plan is needed.
5. Meeting Thursday of the event to assess ground condition and any further work required to open.
6. Meeting Friday 8am to review ground condition and any further work required to open.
7. Meeting Saturday 8am to review ground condition and any further work required to open.
8. Meeting Sunday 8am to review ground condition and any further work required to open.

All meetings will be noted with decisions justified and subsequently shared with all parties.

It should be noted that the event planning guide considers not only severe wet weather, but other extreme weather such as heatwaves. The guide also includes references to procedures in the event of force majeure and considers the current UK terrorism threat level.

Q: If we experience severe weather, who makes the decision to cancel the event and when?

The decision whether or not to cancel the event due to severe weather, in the week prior to, or during the festival weekend, is the responsibility of Tramlines. However, this decision (as set out in points 5,6,7 and 8 of the above process) will be taken in full consultation with, and following the advice of, SCC designated officers, Sheffield's Safety Advisory Group representatives and Tramlines Health and Safety representatives. Such a decision will consider the health and safety of all festival personnel, the weather outlook according to the UK Met Office Forecast and Met Office Weather warnings.

Appendix 2 (CLOSED NOT FOR PUBLICATION)

This page is intentionally left blank